IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 23474 of 2004

Between:

M. Rajeshwar Rao, S/o. Mukunda Rao, Part-time Assistant, Gram Panchayat, Pulluri Ramaiahpally, Bhoopalpally Mandal, Warangal District.

..... PETITIONER

AND

1 The Collector (PW), Warangal.
2 The Revenue Divisional Officer, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Certiorari calling for the records relating to the judgment of the A.P. Administrative Tribunal in O.A.No.5095 of 2004, dated 21-9-2004 and the impugned Proc.No. 3425/2004-A3, dated 12-8-2004 issued by the Collector (PW), Warangal and set aside the same and pass such other and further orders.

Counsel for the Petitioner: MR.D.BALA KISHAN RAO

Counsel for the Respondents: GP FOR SERVICES I

The Court at the stage of admission made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.5095 of 2004, dated 21.9.2004.

2. The petitioner challenged the order of suspension dated 12.8.2004 before the Tribunal. The Tribunal, however, refused to interfere with the said order and dismissed the O.A. with a direction to the respondents to conclude the disciplinary proceedings within a period of three weeks from the date of receipt of the order. Against the said order, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that the order of suspension is wholly without jurisdiction inasmuch as the Collector is not the competent authority and on the other hand the competent authority to suspend the petitioner from service is the Revenue Divisional Officer. Under those circumstances the order of suspension ought to have been set aside by the Tribunal.

4. We have heard the learned Government Pleader for Services-I.

5. It is observed by the Tribunal that the Collector basing on the report of the Revenue Divisional Officer passed the order of suspension and under those circumstances it refused to interfere with the same and we do not find any grounds to interfere with the order passed by the Tribunal. Moreover, the Tribunal also directed the respondents to complete the enquiry within a period of three weeks, and in such an event no prejudice will be caused to the petitioner.

6. Accordingly the Writ Petition is dismissed at the admission stage. No costs.

(G.BIKSHAPATHY, J.)

17th December, 2004.

(P.S.NARAYANA, J.)

SSR

To

1 The Collector (PW), Warangal.
2 The Revenue Divisional Officer, Warangal.

3 The Registrar, A.P. Administrative Tribunal, Hyderabad.

4 2CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

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